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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/790,722

03/03/2004

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SHEE3001/EM

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23364 7590 11/30/2007
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EXAMINER

MOORE, MARGARET G

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

11/30/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/790,722

Applicant(s)

SHEEN ET AL.

Examiner

Margaret G. Moore

Art Unit

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 to 18 is/are pending in the application.
- 4a) Of the above claim(s) 9, 10, 12 to 14, 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 to 8, 11 and 15 to 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. Applicants' election of the species (a) in claim 16, the species (b) in claim 4 and the additive of claim 11, without traverse, is acknowledged. Currently claims 1 to 8, 11 and 15 to 17 are under consideration.

2. Claims 1 to 8, 11 and 15 to 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1:

- a. It is unclear what, exactly is contained in the release agent since the total of (a) + (b) is significantly less than 100%. In addition, while the basis for the wt% of (b) is defined, the basis for (a) is unknown.
- b. It is unclear if the instant claims are drawn to a release agent comprising (a) and (b) as claimed or if they are drawn to assisting substrates that are coated with the release agent. The phrase "for non-substrate liquid crystal display element) indicates a future intended use for the release agent, implying that it is the release agent per se that is claimed. On the other hand, the language "wherein the release agent is applied..." indicates that the release agent is on an assisting substrate already.
- c. It is unclear what, exactly, is intended and embraced by the language "non-substrate liquid crystal display". This phrase is not adequately defined in the specification and a search for these terms on WEST and Google only resulted in a few patent applications by the instant inventor. This language does not appear to be conventional in the art.
- d. Reference to "the process of non-substrate liquid crystal display" is confusing as this term lacks antecedent basis. Similarly "the assembled liquid display element" and "the assisting substrates" lack antecedent basis.

Claim 2:

- e. See the remarks in Claim 1, a., as they presently apply.

Claim 4:

f. This formula is confusing. Specifically, the amounts of each unit is confusing. If, for instance, the "m" units were to account for 60% of the molecular weight of the silicone, the total amount of weight for the silicone would never exceed 90% (which includes the amount of "m" units as well as the amount of "n", "o" and "p" units). Such a silicone is incomplete. Any "m" value less than 70% renders this formula incomplete.

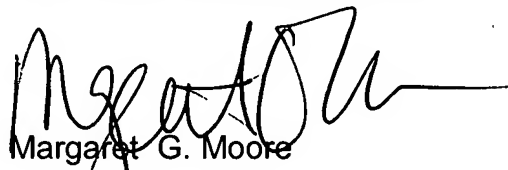
g. In both this formula and the formula in claim 8, the subscript "o" (o) is actually shown as "o"(0). Correction is required.

Claims 16 and 17:

h. Reference to "said silicon" lacks antecedent basis. Also, "is a silicon polymer comprises" is grammatically incorrect. This should be "is a silicone polymer that comprises" or "is a silicone polymer comprising".

3. Due to the vast confusion as to what applicants actually intend to claim (as noted supra) the Examiner was unable to examine the claims for prior art purposes. As such no prior art rejection has been made at this time. Applicants are cautioned that any amendment to the claims clarifying the intended subject matter would necessitate a new prior art consideration.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Margaret G. Moore whose telephone number is 571-272-1090. The examiner can normally be reached on Monday and Wednesday to Friday, 10am to 4pm.


Margaret G. Moore
Primary Examiner
Art Unit 1796